

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 8, 1999**

DIVISION ONE

B117654      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Carlotta B.

The orders under review are affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                 Ortega, J.

B117320      People                                      (Not for Publication)  
                 v.  
                 Spinks, Jr.

The judgment is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B114561      Walton et al.                              (Not for Publication)  
                 v.  
                 Los Angeles Times et al.

The order of dismissal is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                 Ortega, J.

## February 8, 1999-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B118748 People (Not for Publication)  
v.  
Hope

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B115516 People v. Taylor (Not for Publication)

The trial court is directed to correct the abstract of judgment to reflect the fines imposed at sentencing: a \$5,000 restitution fine (Pen. Code, 1202.45), and a \$50 laboratory analysis fee (Health & Saf. Code, 11372.5). In all other respects, judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

DIVISION TWO (Continued)

B122599      Aramark Uniform Services, Inc.                      (Not for Publication)  
                 v.  
                 Pase Aluminum, Inc.

The portion of the court's judgment denying Pase Aluminum's affirmative defense of a breach of the covenant of good faith and fair dealing is affirmed. The portion of the court's judgment denying Pase's cross-complaint for tortious interference with business and economic relations is affirmed. The portion of the court's judgment awarding Aramark Uniform Services liquidated damages of \$14,591.17 plus prejudgment interest is reversed. The cause is remanded to the trial court for further proceedings to determine Aramark's actual damages stemming from the termination of the service contracts. Parties to bear their own costs on appeal.

Boren, P.J.

We concur:   Nott, J.  
                     Zebrowski, J.

B107643      Booker    (Not for Publication)  
                 v.  
                 EMC Mortgage Corporation

The judgment is affirmed.

Boren, P.J.

We concur:   Nott, J.  
                     Mallano, J. (Assigned)

B119549      Binggie    (Not for Publication)  
                 v.  
                 Starlite Investments, Inc.

The judgment is affirmed.

Boren, P.J.

We concur:   Nott, J.  
                     Zebrowski, J.

## February 8, 1999-Continued

## DIVISION TWO (Continued)

B117769 People (Not for Publication)  
v.  
Preciado

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B117760      Devale      (Not for Publication)  
v.  
Regents of the University of California

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Mallano, J. (Assigned)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

## February 8, 1999-Continued

### DIVISION THREE

B120315      People      (Not for Publication)  
v.  
Scott

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B123790 People (Not for Publication)  
v.  
King

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B123850      L.A. Co. Dept. of      (Not for Publication)  
                  Children & Family Services  
                  v.  
                  Marsha B.

The appeal is dismissed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

## February 8, 1999-Continued

### DIVISION THREE (Continued)

B123830 People (Not for Publication)  
v.  
Saenz

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B124145 People (Not for Publication)  
v.  
Ruiz

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B126296 L.A. County Dept. of (Not for Publication)  
Children & Family Services  
v.  
Patricia V.

The appeal is dismissed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

## February 8, 1999-Continued

### DIVISION THREE (Continued)

B117135      People      (Not for Publication)  
v.  
Davis

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B127379      Concepcion Z.      (Not for Publication)  
v.  
S.C.L.A.  
L.A. County Dept. of Children & Family Services

The petition is denied.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B123795 People (Not for Publication)  
v.  
Sergio M.

The judgment (order declaring minor a ward of the court under Welfare and Institutions Code, section 602) is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

## February 8, 1999-Continued

DIVISION FOUR

B122329      People                    (Not for Publication)  
v.  
Cruz

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B120714 People (Not for Publication)  
v.  
Rodriguez

The Court:

For the foregoing reasons, we modify the judgment to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45 and, as modified, affirm the judgment. The Superior Court is directed to prepare an amended Abstract of Judgment which reflects the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

## DIVISION FIVE

B121097      Janeese Bland                      (Not for Publication)  
v.  
Beverly Hills Unified School District, et al.

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.



## February 8, 1999-Continued

## DIVISION FIVE (Continued)

B123010 People (Not for Publication)

V.

Larry David Barnes, Jr.

The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B115621      Soheil Sedghat      (Not for Publication)

V.

County of Los Angeles

The judgment is affirmed. The County is to recover costs on appeal.

Armstrong, J.

We concur:   Turner, P.J.  
                   Godoy Perez, J.

B115343 Mitchell Reinschreiber (Not for Publication)

V.

Frederick R. Weisman Art Foundation et al.

The appeal is dismissed as moot. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.

DIVISION FIVE (Continued)

B114450      County of Los Angeles      (Certified for Publication)  
v.  
Frontier Pacific Insurance Company

The judgment is affirmed.

Armstrong, J.

We concur:    Turner, P.J.  
                  Godoy Perez, J.

B121218      Kirsten Fox                      (Not for Publication)  
v.  
State of California et al.

The order sustaining the demurrers without leave to amend is affirmed.  
Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur:    Grignon, Acting P.J.  
                  Armstrong, J.

B119465      People                              (Not for Publication)  
v.  
Luis Gomez

The judgment is affirmed.

Armstrong, J.

We concur:    Grignon, Acting P.J.  
                  Godoy Perez, J.

DIVISION FIVE (Continued)

B122255      Jon Hosea et al.      (Not for Publication)  
                 v.  
                 National Bank of Canada

The judgment is affirmed. Respondent to recover costs.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                 Godoy Perez, J.

B119176      People      (Not for Publication)  
                 v.  
                 Leroy Levett

We reverse the trial court's order imposing a three-year sentence and remand for resentencing. If the trial court wishes to modify the five-year sentence imposed and suspended when probation was granted, the trial court must do so with the procedure suggested in *People v. Howard*, supra, that is, the trial court must impose the original five-year sentence on appellant, then *after* appellant has been committed to custody, the trial court may recall and modify that sentence pursuant to section 1170, subdivision (d).

Armstrong, J.

We concur:   Turner, P.J.  
                 Grignon, J.

B121401      People      (Not for Publication)  
                 v.  
                 Rene C.

The judgment is affirmed.

Armstrong, J.

We concur:   Grignon, Acting P.J.  
                 Godoy Perez, J.

## February 8, 1999-Continued

DIVISION FIVE (Continued)

B117820      Dionisio Topacio et al.      (Not for Publication)  
v.  
Anna Hill

The judgment is affirmed. Each party shall bear their own costs on appeal.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B115205      Ronald Hood                      (Not for Publication)  
v.  
John Wagner et al.

The judgment is affirmed. Defendants, Wagner, Sisteros & Wagner and John Wagner, shall recover their costs on appeal from plaintiff, Ronald Hood.

Turner, P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.

B117736 Victor Garcia, et al (Not for Publication)  
v.  
Cameron Properties, Inc. et al.

The judgment is affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

## February 8, 1999-Continued

## DIVISION FIVE (Continued)

B116861      Jesus Cortez                                  (Not for Publication)  
v.  
Yamaha Motor Corp., U.S.A.

We affirm the judgment and the order denying Cortez's motion for a new trial. Respondent Yamaha to recover its costs on appeal.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

103906-99

THE HONORABLE , SANDY R. KRIEGLER, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Five, as a Justice thereof, on the following dates:

April 1, 1999, to April 30, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: February 4, 1999

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

## February 8, 1999-Continued

## DIVISION SIX

B115222 People (Certified for Partial Publication)  
v.  
Ruiz

The judgment is affirmed.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                         Yegan, J.

B119387      Bakshi      (Not for Publication)  
v.  
State Compensation Insurance Fund et al.

The judgment is affirmed. Appellant to pay costs.

Coffee, J.

We concur:    Gilbert, Acting P.J.  
                         Yegan, J.

## DIVISION SEVEN

B099817 So. Calif. Physicians Ins. Exchange, et al. (Not for Publication)  
v.  
William Kirksey & Associates

The judgment is affirmed. Respondents to recover costs on appeal.

Kwong, J. (Assigned)

I concur: Lillie, P.J.  
I concur in the judgment only.: Johnson, J.